

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Pt. Pleasant Road, 1200' +/- DEPUTY ZONING COMMISSIONER
E of St. Patrick Road
(6026 & 6028 Pt. Pleasant Rd.) * OF BALTIMORE COUNTY
14th Election District
6th Councilmanic District * Case No. 89-44-A
Pasquale Caraffa
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side setback of 10 feet from a window to the tract boundary in lieu of the required 35 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Mr. & Mrs. Chris Jednorski, Contract Purchasers of the subject property, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of September, 1988 that the Petition for Zoning

Variance to permit a side setback of 10 feet from a window to the tract boundary in lieu of the required 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

September 1, 1988



Dennis F. Rasmussen
County Executive

Mr. Pasquale Caraffa
c/o Mr. & Mrs. Chris Jednorski
7 Fernsall Court, Apt. 3A
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
N/S Pt. Pleasant Road, 1200' +/- E of St. Patrick Road
(6026 and 6028 Pt. Pleasant Road)
14th Election District - 6th Councilmanic District
Pasquale Caraffa - Petitioner
Case No. 89-44-A

Dear Mr. Caraffa and Mr. & Mrs. Jednorski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. 504 (VBS.b. CMDP) To allow a side setback of 10 ft. window to tract boundary in lieu of the required 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Lots 4 and 5, alike the other 3 Lots in this tract of land, under the influence by the county zoning and planning offices that 10' side setbacks were required under D.R. 5.5. 2. We contracted a surveyor and engineer to subdivide the property, draw up water and sewer plans and have contracted for house plans. 3. With 35' side setbacks, we would have to build on Parcel A rather than Lot 5. We cannot afford Parcel A as a whole and have money as well as many personal dreams tied up in this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations.

Enclosed above Variance advertising, posting, etc., upon filing of this petition, are bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

PASQUALE CARAFFA
(Type or Print Name)

Pasquale Caraffa
Signature

(Type or Print Name)

Pasquale Caraffa
Signature

Address Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

KAREN JEDNORSKI

Name

7 FERNSELL CT. SA. 21237-5605

Address Phone No.

City and State

ORDERED By the Zoning Commissioner of Baltimore County, this 10th day of September, 1988, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of August, 1988, at 2 o'clock

P.M.

ESTIMATED LENGTH OF HEARING 15 MIN. + 1HR.

AVAILABLE FOR HEARING 10/1/88

ALL NON-ATTENDING - MUST TWO MONTHS (over)

REVIEWED BY: *J. Robert Haines* DATE: 5-26-88

Zoning Commissioner of Baltimore County.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 1, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-44-A
N/S Pt. Pleasant Road, 1200' +/- E of St. Patrick Road
(6026 and 6028 Pt. Pleasant Road)
14th Election District - 6th Councilmanic District
Petitioner(s): Pasquale Caraffa,
Contract Purchaser(s): Chris Jednorski, et al.
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 2:00 p.m.

Variance to allow a side setback of 10 foot window to tract boundary in lieu of the required thirty-five feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: August 2, 1988



Dennis F. Rasmussen
County Executive

Pasquale Caraffa
and
Chris and Karen Jednorski
7 Fernsall Court, Apt. 3A
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
Case Number: 89-44-A
Hearing Scheduled: Wednesday, August 24, 1988 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$104.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, 45 minutes before

BALTIMORE COUNTY, MARYLAND		No. 059241
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE	8/24/88	ACCOUNT
AMOUNT	\$	104.70
RECEIVED FROM	Chris and Karen Jednorski	
FOR	Case 89-44-A 8/24/88	
B 102*****10470:8 3241		
VALIDATION OR SIGNATURE OF CASHIER		
DATE-TIME		

post set(s), there each set not

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th Date of Posting 8/9/88

Posted for: Variance

Petitioner: Pasquale Caraffa, et al.

Location of property: N/S Pt. Pleasant Rd., 1200' +/- E of St. Patrick Rd.

6026 Pt. Pleasant Rd.

Location of Signs: Signs are on Pt. Pleasant Rd., 1200' +/- E of St. Patrick Rd.

on property of Baltimore

Remarks:

Posted by: *J. Robert Haines* Date of return: 8/12/88

Number of Signs: 1

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on July 28, 1988.

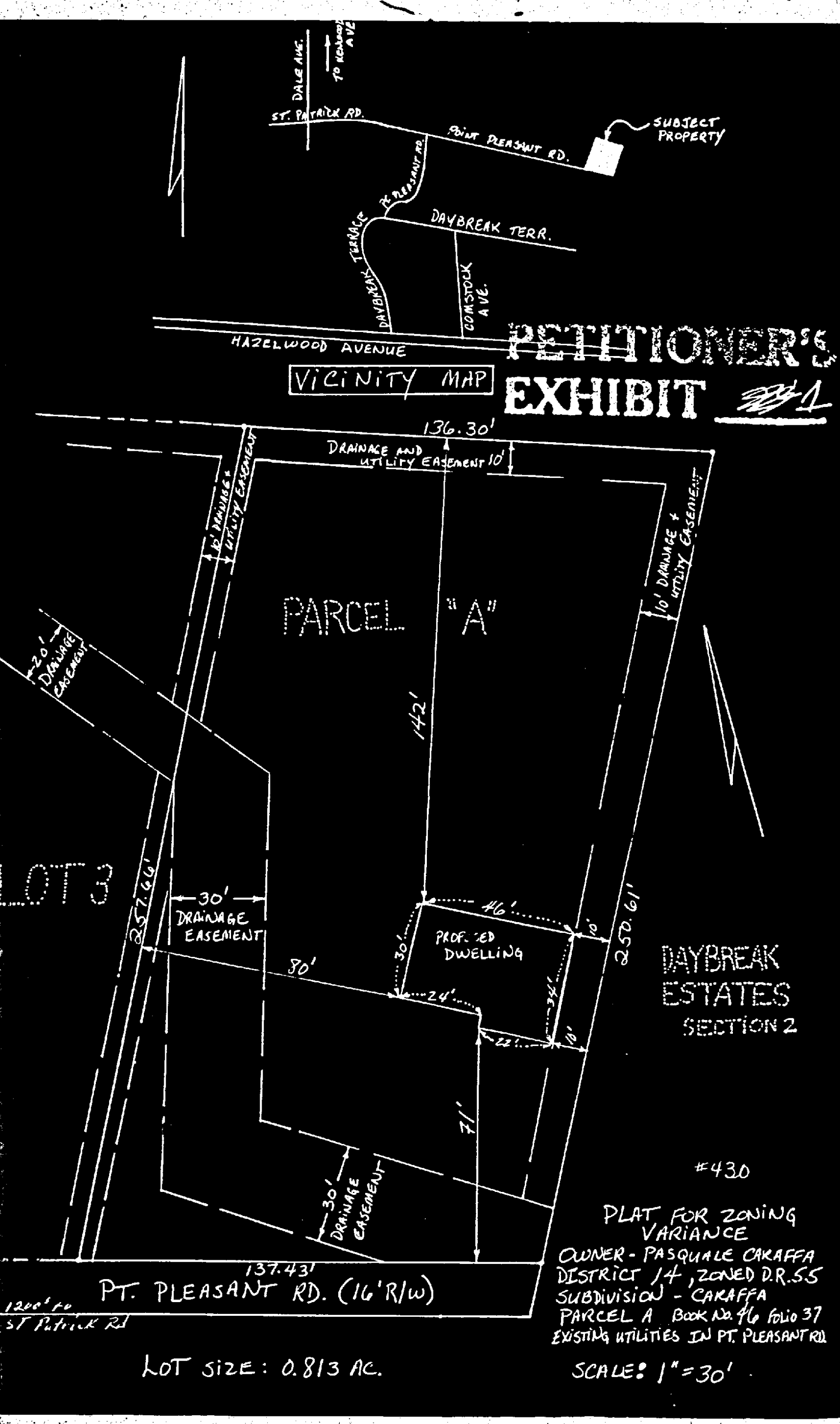
THE JEFFERSONIAN,

S. Zeke Owen
Publisher

37.50

ZONING DESCRIPTION

Beginning on the north side of Pt. Pleasant Road 50' future right of way, at the distance of 1,200 feet east of St. Patrick Road. Being Parcel A, in the subdivision of Caraffa. Book No. 46, Folio 37. Also known as 6026 and 6028 Pt. Pleasant Road in the 14th Election District.



89-44-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of June, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Chris Jednorski, et ux - C.P.
Petitioner's Attorney: Pasquale Caraffa, P.C.

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

June 7, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Caraffa, Pasquale, Chris Jednorski, et ux
Contract Purchaser
Location: N/S Pt. Pleasant Rd., 1200' + - E. of St. Patrick Road
Item No.: 430 Zoning Agenda: Meeting of 6/7/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at Parcel "A" - standard two-turn-around required.
Exceeds the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Chris Kelly* 1388 Noted and Approved: *John F. O'Neill*
Planning Group Special Inspection Division Fire Prevention Bureau

1/1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3534

July 5, 1988

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 421, 422, 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,
Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pm1-b

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Chris Jednorski
7 Fernsall Court, Apt. 2A
Baltimore, Maryland 21237

RE: Item No. 430 - Case No. 89-44-A
Petitioner: Chris Jednorski, et ux - Contract Purchaser
Pasquale Caraffa - Legal Owner
Petition for Zoning Variance

Dear Mr. & Mrs. Jednorski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:djt

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: July 11, 1988

FROM: P. David Fields, Director, Office of Planning and Zoning

SUBJECT: Zoning Petitions 89-35-A, 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. C. Howell
Zoning File

OC: Karen Jednorski
7-12-88

RECEIVED
JUL 12 1988
ZONING OFFICE

CPS-008